IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9197 of 2004

Between:

1.G.Rajaratnam, S/o.Poul, S.C.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal, W.G.District.
2.Addanki Amosu, S/o.Samuel, S.C.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal,W.G.Dist.
3.A.Babu Rao, S/o.Samuel, S.C.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal, W.G.District.

..... PETITIONERS

AND

1Govt.of Andhra Pradesh, rep.by its Secretary, Home Department, Secretariat, Hyderabad.
2Superintendent of police, West Godavari District, Eluru.
3Inspector of Police, Bhimavaram Rural Circle, Bhimavaram, West Godavari Dist.
4Sub-Inspector of Police, Kalla Police Station, Kalla Mandal, West Godavari Dist.
5Mantena Satyanarayana Raju @ Sathi Raju, S/o.Narasimha Raju,
S.C.Bose Colony village, H/o.Kalavapudi, Kalla Mandal, West Godavari Dist.
6Mantena Krishnam Raju, S/o.Satyanarayana Raju, @ Sathi Raju,
S.C.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal, West Godavari District.
7Mantena Naga Raju, S/o.Satyanarayana Raju, @ Sathi Raju,
S.c.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal, West Godavari District.
8Mantena Venkatapathi Raju, S/o.Late Sathi Raju,
S.C.Bose Colony Village, H/o.Kalavapudi, Kalla Mandal,

West Godavari District.
9Korrakuti Ganga Rao, S/o.Venkata Rao, S.C.Bose Colony village, H/o.Kalavapudi, Kalla Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents 1 to 4 in not directing the Respondents 5 to 9 also to appear before the Forensic Science Laboratory, Hyderabad on 20-4-2004 or on any other date along with the petitioners and others simultaneously for undergoing polygraph test in Cr.No.42/2004 of Kalla police station, Kalla Mandal, West Godavari District or alternatively declaring the conduct of the above test as illegal, arbitrary etc., and grant such other relief or reliefs as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.V.L.N.SARMA

Counsel for Respondents 1 to 4: GP FOR HOME

Counsel for Respondents 5 to 9 : None appeared

The Court made the following:

ORDER:

This writ petition is filed by the petitioners being aggrieved by the action of the respondents in proposing to conduct Polygraph test on the petitioners in connection with Crime No.42 of 2004.

2. According to the petitioners, a complaint was lodged by one Narasimha Raju stating that certain electrical wires were found hanging to their doors and also to their compound wall which apparently according to them, were intended to kill the said complainant

Narasimha Raju and his wife Appalanarasamma. Thereupon the crime was registered under Section 307 read with Section 511 of IPC before the Station House Officer, Kalla Police Station. During the investigation, the respondent-authorities proposed to conduct Polygraph test against the petitioners. In fact, the petitioners have expressed their readiness to undergo such test not only in the affidavit but also even before the Police authorities, by giving it in writing. However, their apprehension is that the said test may not be conducted in accordance with the procedure contemplated. Therefore, they sought for a direction that such test is to be conducted in the presence of their counsel.

3. A counter affidavit has been filed on behalf of the respondents disputing and denying the allegations made by the petitioners and it is also contended that the Polygraph test is to be conducted by the Forensic Science Laboratory, Hyderabad, and not by the Police authorities and the petitioners need not apprehend against the police authorities. The learned Government Pleader also contended that in any case, as the petitioners have expressed their willingness to undergo Polygraph test, the respondent-authorities may not have any objection for the presence of their counsel.

4. Under the above circumstances, the writ petition is disposed of, with a direction to the respondents to

conduct the Polygraph test on the petitioners in the presence of their advocate. No costs.

17th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1The Secretary, Govt. of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
2 The Superintendent of police, West Godavari District, Eluru.
3 The Inspector of Police, Bhimavaram Rural Circle, Bhimavaram, West Godavari Dist.
4 The Sub-Inspector of Police, Kalla Police Station, Kalla Mandal, West Godavari Dist.
5 Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)
6 Two CDs.